

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

-----X

JASON WILLIAMS, :
:
Plaintiff, : Case No.: 5:19-cv-00475-BO
:
vs. :
:
AT&T MOBILITY, LLC, :
:
Defendant. :
-----X

**DECLARATION OF CHRISTOPHER N. LAVIGNE
IN SUPPORT OF PLAINTIFF JASON WILLIAMS' MOTION TO
COMPEL DEFENDANT AT&T MOBILITY LLC TO PRODUCE DOCUMENTS**

I, Christopher N. LaVigne, hereby declare under penalty of perjury that the following is true and correct and state as follows:

1. I am an attorney admitted to practice law in the State of New York. I am a partner at the law firm of Withers Bergman LLP, counsel for Plaintiff Jason Williams ("Plaintiff") in the above-entitled action. I was admitted via *Notice of Special Appearance* in this matter on November 8, 2019 (Doc. No. 11).
2. Attached hereto as Exhibit A is a copy of Plaintiff Jason Williams' First Set of Requests for Production of Documents to Defendant AT&T Mobility, LLC, dated June 5, 2020.
3. Attached hereto as Exhibit B is a copy of Plaintiff Jason Williams' First Set of Interrogatories to Defendant AT&T Mobility, LLC, dated June 5, 2020.
4. Attached hereto as Exhibit C is a copy of Defendant AT&T Mobility, LLC's Answers and Objections to Plaintiff's First Set of Requests for Production of Documents to Defendant, dated July 20, 2020.

5. Attached hereto as Exhibit D is a copy of Defendant AT&T Mobility, LLC's Answers and Objections to Plaintiff's First Set of Interrogatories, dated July 20, 2020.

6. Attached hereto as Exhibit E is a copy of a letter from Christopher N. LaVigne to Joseph S. Dowdy, dated September 1, 2020, regarding Defendant's discovery deficiencies.

7. Attached hereto as Exhibit F is a copy of a letter from Joseph S. Dowdy to Christopher N. LaVigne, dated September 18, 2020, in response to Plaintiff's September 1, 2020 letter regarding Defendant's discovery deficiencies.

8. Attached hereto as Exhibit G is a copy of a series of meet and confer email communications between the parties' counsel, for the period October 1, 2020 thru October 16, 2020.

9. Attached hereto as Exhibit H is a copy of AT&T Mobility, LLC's First Supplemental Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), dated October 21, 2020.

10. Attached hereto as Exhibit I is a copy of a series of meet and confer email communications between the parties' counsel, for the period October 29, 2020 thru January 26, 2021.

11. Attached hereto as Exhibit J is a copy of an email, dated January 7, 2021, from Mike Breslin to Christopher N. LaVigne and Joseph Gallo regarding ESI search terms. Attached to this email is a word document with Defendant's comments to Plaintiff's proposed ESI search terms.

12. Attached hereto as Exhibit K is a copy of AT&T Mobility, LLC's Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1), dated May 18, 2020.

13. Attached hereto as Exhibit L is a copy of an email bearing the Bates number PRIME000001, which was produced to Plaintiff by non-party Prime Communications, L.P.'s in response to Plaintiff's subpoena.

14. During a telephonic meet and confer discussion, AT&T's counsel told me and my colleague Joseph Gallo that AT&T would only search for documents from January 1, 2018 through December 31, 2019. We did not object to AT&T using that time period in their searches for responses documents from the Four Custodian, but stated Plaintiff reserved (and continues to reserve) the right to seek documents from a larger time period should that prove necessary as discovery continues.

15. Pursuant to Federal Rule of Civil Procedure 37(a)(5), Plaintiff's reasonable expenses incurred in making this motion include attorney's fees in the following amounts: I spent 14.6 hours at an hourly rate of \$850 (\$12,410); associate Joseph Gallo spent 19.8 hours at an hourly rate of \$550 (\$10,890); and paralegal Lalindra Sanichar spent 4.7 hours at an hourly rate of \$380 (\$1,786), for a total fee amount of \$25,086.

16. Pursuant to Local Rule 7.1(c)(2), I hereby certify that there has been a good faith effort to resolve this discovery dispute prior to the filing of this motion.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 12, 2021
New York, New York

By: 
Christopher N. LaVigne